

9-5-00
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

A

Docket No. A-67689-3/RFT/RMS/RMK

"EXPRESS MAIL" MAILING LABEL

NUMBER **EK996771484US**

DATE OF DEPOSIT **September 1, 2000**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION NO FEE WASHINGTON, DC 20231.

TYPED NAME **VINCE DIAZ**

SIGNED *Vince M Diaz*

Anticipated Classification of this Application:

Class: Subclass:

Application

Examiner:

Art Unit:

Assistant Commissioner for Patents
BOX PATENT APPLICATION NO FEE
Washington, DC 20231

Sir:

This is a request for filing an

☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

David A. HORWITZ (Santa Monica, California)

(Names of ALL Applicants)

for USE OF CYTOKINES, CELLS, AND MITOGENS TO INHIBIT GRAFT VERSUS HOST DISEASE
(Title of Invention)

This ☐ continuation ☐ divisional ☒ continuation-in-part

claims priority to applications Serial No. 60/151,987, filed on September 1, 1999 (pending); Serial No. 09/261,890 filed on March 3, 1999 (pending); and Serial No. 60/076,677 filed on March 3, 1998.

1. (a) ☐ Enclosed is a new application.
- (b) ☒ Enclosed is a continuation-in-part application.
- (c) ☐ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
- (b) ☐ Enclosed is a copy of the prior Declaration as originally filed.
3. (a) ☐ Enclosed is a Small Entity Affidavit.
- (b) ☐ A Small Entity Affidavit is of record in the prior application.
4. ☒ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

| | (Col. 1) | (Col. 2) | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
|-------------------------------------------------------------------|---------------------------------------------------------------------|-----------|--------------|--------------|-------------------------|--------------|
| | NO. FILED | NO. EXTRA | RATE | FEE | RATE | FEE |
| BASIC FEE | | | | \$345 | | \$690 |
| TOTAL CLAIMS | 45 - 20 = | 25 | x 9 = | \$225 | x 18 = | \$ |
| INDEP CLAIMS | 5 - 3 = | 2 | x 39 = | \$78 | x 78 = | \$ |
| MULTIPLE DEPENDENT CLAIM PRESENTED | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no | | +130 = | \$130 | +260 = | \$ |
| If the difference in Col 1 is less than zero, enter "0" in Col. 2 | | | TOTAL | \$778 | TOTAL | \$ |

6. ☒ The filing fee is **NOT** being submitted with this transmittal letter.

7. ☐ Cancel in this application or ☐ claims _____ of the prior _____ application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. ☐ Amend the specification by inserting before the first line the sentence:

-This is a ☐ continuation ☐ divisional ☐ continuation-in-part
of application Serial No. _____ filed _____.

9. (a) ☒ Informal drawings are enclosed (17 sheets).

(b) ☐ Formal drawings are enclosed.

10. (a) ☐ Priority of applications Serial No. 60/151,987, filed on September 1, 1999 (pending) in the United States of America; Serial No. 09/261,890 filed on March 3, 1999 (pending) in the United States of America; and Serial No. 60/076,677 filed on March 3, 1998 in the United States of America is claimed under 35 U.S.C. 119/120.

(b) ☐ The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. ☐ The prior application is assigned of record to _____

12. ☐ The power of attorney in the prior application is to:

Name: _____

Address: _____

(a) ☐ The power appears in the original papers in the prior application.

(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c) ☐ A new power has been executed and is enclosed.

(d) ☒ Address all future communications to:

ROBIN M. SILVA

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

Four Embarcadero Center - Suite 3400

San Francisco, California 94111-4187

Tel.: (415) 781-1989

Fax: (415) 398-3249

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. ☐ I hereby verify that the attached papers are a true duplicate of prior application Serial No. _____ as originally filed on _____.

Date: 9/1/00

Signature: _____

ROBIN M. SILVA, Reg. No. 38,304

Address of Signer:

FLEHR HOHBACH TEST

ALBRITTON & HERBERT LLP

4 Embarcadero Center - Suite 3400

San Francisco, California 94111-4187

Tel.: (415) 781-1989

Fax: (415) 398-3249

☐ Attorney or agent of record

☒ Filed under Section 1.34(a)

1028341